

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Steven E. Boor)	Confirmation No. 3966
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Application No.: 10/797,507)	
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Filed: March 10, 2004)	This Reply Brief Under 37 C.F.R.
)	§ 41.41 was electronically filed
Title: MODIFIABLE BUFFER CIRCUIT FOR)	using the U.S. Patent and
MINIATURE MICROPHONE)	Trademark Office's EFS Web
APPLICATIONS AND METHOD OF)	October 2, 2009
ADJUSTING THEREOF)	
)	
Group)	
Art Unit: 2614)	
)	
Examiner: Olaniran, Fatimat O)	
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)	
Attorney Docket: 8354-96255 (3070A))	
)	
Customer No.: 22242)	

REPLY BRIEF UNDER 37 C.F.R. § 41.41

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Pursuant to 37 C.F.R. § 41.41, the Applicant hereby respectfully submits the following Reply Brief in response to the Examiner's Answer of August 4, 2009.

For the most part, the Examiner has not raised new arguments in his Answer, and hence the contents of the earlier-submitted Appeal Brief remain relevant and largely without need for supplementation. The Examiner did offer, however, certain points of specificity that, by their degree of precision, perhaps constitute new arguments and hence are suitable to address here.

Based upon the Appeal Brief Response by the Examiner, it must be mentioned that the definition of a "housing" for a microphone as provided by Appellant is not the same as the Examiner's definition (see pg. 13, lines 3-4, of Examiner's Answer in which it states "Microphone housing is broadly interpreted as housing for a microphone. Levitt's hearing aid of Fig. 2 clearly houses a microphone..."). The Examiner's definition for a microphone "housing" is essentially anything which would CONTAIN a microphone, which is allegedly taught by Levitt (U.S. Patent No. 4,879,749), Killion (U.S. Patent No. 5,602,925), and Advani (U.S. Patent No. 4,926,459). However, this broad definition for "housing" is neither proper, fitting, nor reasonable for an appropriate examination of the application.

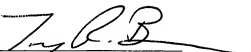
The definition of a microphone "housing" provided by Appellant is the individual, miniature housing of the microphone ITSELF, and should not be understood to have anything in common whatsoever with the housing or shell of a hearing aid, nor anything else which could subsequently incorporate or utilize a pre-assembled miniature microphone component. Such an interpretation is inappropriately broad, and incorrectly applied.

The use of the terminology "miniature" is commonly understood within the industry as referring to microphones which are appreciably smaller than the hearing aids which utilize them. Thus, utilizing the above definition for the term microphone "housing", NONE of the prior art adjustable filter circuitry provided by Levitt, Killion, or Advani could realistically fit inside the housing of a miniature microphone, as does the circuitry in the invention as claimed. None of the circuitry in those references was INTENDED to be used internally as part of the miniature microphone component assembly.

Although the prior art by Madaffari (July 2002 application) does teach about a miniature microphone assembly and housing, it gives no details whatsoever about the electronic circuitry that is to be utilized. Madaffari discusses circuitry in a very general fashion, and merely as a JFET buffer circuit; it makes no mention of any adjustable or tunable features of any kind for its circuitry, so it cannot be extrapolated to the invention as claimed.

Respectfully submitted,

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